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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,388	07/17/2003	Attila Grauzer	PA0885.ap.US	4708

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EXAMINER

MOSSER, ROBERT E

ART UNIT	PAPER NUMBER
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3712

DATE MAILED: 04/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/622,388

Applicant(s)

GRAUZER ET AL.

Examiner

Robert Mosser

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on March 24th, 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION



Claims 13-23 are pending.

This action is Non-Final.



Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 24th, 2006 has been entered.

Claim Rejections - 35 USC § 112 / 35 USC § 101

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims **13-23** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 13 provides for the use of a signal for determining the composition of hands played in a round of play, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced. Claims 14-23 fall for their reliance on claim 13 and failure to correct the deficiencies thereof.

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 13-23 are rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 13 through 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soltys (US 6,638,161) further in view of Purton (WO 00/51076).

Claims 13: Soltys teaches a method and system for examining and verifying the order of cards played with the order of cards dealt during a casino card table game including:

A card reading device for reading spent cards collected at a conclusion of a round of play of a casino table card game (Soltys Figs 6 & 7 | Purton Elm 13);

The placing of a set of spent cards into a card in-feed area of the card reading device at the conclusion of a round of play of the casino table game (Soltys Col 3:60-64 & 23:23-38); and

The sending of a signal representing the at least one of rank and suit of each spent card in an order in which each spent card was placed in the card in-feed area, wherein the signal is used to determine the composition of hands played in the round of play of the casino table card game (Soltys Col 23:39-52).

Soltys utilizes a static orientation barcode system and bard-code type reading device for interpreting the value (rank and suit) in the place of optical recognition

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however in a related card reader Purton teaches the use of an optical card recognition inspection device further including the use of rollers for moving the cards one at a time from the bottom of a set of spent cards in the in-feed area and reading the rank and suit of each spent card prior to depositing the spent card into a card collection area of the card reading device (Purton Elements 15 and 19, Figure 3, & Page 5 Lines 5-9 and 15-19). It would have been obvious to one of ordinary skill in the art the time of invention to have utilized the spent card reading device of Purton as the card inspection element of Soltys hand verification device, in order to further allow the inspection of spent cards for signs of tampering as taught by Purton (Purton Pages 13-15).

Claims 14: Purton teaches a card collection area including an elevator with support surface, wherein the elevator support surface is lowered as more cards are fed into the card collection area (Purton Figure 2, Page 5 lines 5-11).

Claims 15, 16, 22, and 23: Purton teaches the use of a sensor for detecting card and card edge through the use of a beam of light and triggering an image capture of the card, (Page 10 lines 10-17) wherein the interruption of the beam would inherently commence as the edge of the card surface obstructs the beam path.

Claims 17-21: Soltys teaches depositing one or more completed hands deposited into the card reader (Soltys Col 12:22-25).

Response to Arguments

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Applicant's arguments filed March 24th 2006 have been fully considered but they are not persuasive. Applicant attempts to limit the reading of spent cards to a specific number or quantity of hands in the present amendment through the introduction of "consisting" type language in dependent claims 17-21, yet the parent claim 13 from which these claims depend includes "comprising" type language. Hence the latter presented "consisting" type language has little or no patentable weight when considered in terms of the parent claims open form "comprising" type language as the parent may include multiple groups of cards (including a single hand of spent cards and at least the dealer's cards). In terms of exemplary claim 17, this equates to the player's deposit of the spent cards of a singular hand into the card in-feed area and the deposit of a secondary amount of cards into the card in-feed area such as all later hands or alternative the remainder of the deck (burned and/or un-dealt cards). If this exemplary claim were considered solely under Purton, this would equate to Purton's deck of cards (See abstract).

The above presented claims rejections are now based on a combination of Soltys and Purton in order to fully address the newly incorporate feature of hand tracking and the presented claim language directed to the intended limitations of claims **17-21**, restricting the amount of cards placed in the in the card reader in-feed area and addressed above. As the presented claim construction might be readily amended to direct the claims to the narrower and believed intended claim interpretation of "consisting" the presented rejection addresses both the actual and believed intended interpretation of the claims.

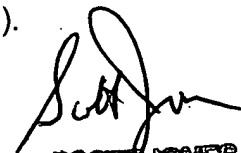
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Mosser whose telephone number is (571)-272-4451. The examiner can normally be reached on 8:30-4:30 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

REM


SCOTT JONES
PRIMARY EXAMINER